



Applicants: Cary B. Cochenour  
and Craig G. Cochenour

Group Art Unit: 3739  
Examiner: M.P. Straightiff

Serial No. 10/785,555

Confirmation No. 8139

Title: Patient Activated Temperature-  
Controlled Surface

Attorney Docket No. 040073

DECLARATION OF CRAIG G. COCHENOUR  
Under 37 C.F.R. § 1.131

I, Craig G. Cochenour, am a joint inventor of the "Patient Activated Temperature-Controlled Surface" that is disclosed and claimed in the above-captioned Application. I am a pharmacist. Beginning in 1981, I have dispensed medication and health support aids to the geriatric public.

In 1990 my family purchased a female terrier dog. Eventually, the terrier became a geriatric canine. As with geriatric human beings, the geriatric canine population also suffers from arthritis and other musculoskeletal maladies.

Each year my son participates in an elementary school science fair. The parents of the children are encouraged to help their child with the project. The science fair culminates in a competition among the participants and is held in late February or early March of each year. The school science fair committee advises each participant and parent(s) to start early on their project. The science fair committee requires the participants to submit a working model of the invention. Since we participate each year in the annual elementary science fair, my son and I are very aware that plenty of time is needed well in advance of the actual date of the science fair competition to first conceive of an invention and then to prepare a working model of the invention. My son and I were focused on inventing something that would be helpful for our

aging terrier. My minor son, Cary B. Cochenour, and I conceived the invention disclosed and claimed in the above-captioned Application on or before January 11, 2003. My personal handwritten calendar for January 2003 shows January 11, 2003 as the day that my minor son, Cary, and I discussed the invention. A true copy of my personal handwritten calendar for the month of January, 2003 is attached as Exhibit A. I keep a personal calendar for each month of the year, and I have kept such a monthly calendar for each year for the past seventeen years. As shown on Exhibit A, January 11, 2003 bears an entry "Cary Science Project" indicating that we discussed the invention at least as early as January 11, 2003. I submit that at least as early as January 11, 2003, the invention was conceived by me and my joint inventor. The conception date on or before January 11, 2003 is a date: (i) prior to the October 7, 2004 publication date of "Park" U.S. Patent Application Publication No. 2004/0195227, and (ii) prior to the January 15, 2003 filing date of the "Park" Provisional Application 60/440,306, relied upon by the Examiner.

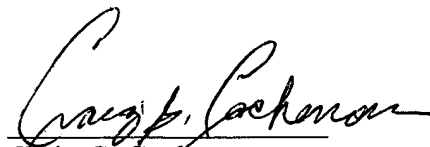
My conception of the invention, that is disclosed and claimed in the above-captioned utility Application, was then followed by a diligent reduction to practice in January and February 2003. Exhibit A shows my personal calendar entries for continued work on the invention in January 2003 as follows: (i) January 18, 2003 "Cary Project", and (ii) January 25, 2003 "Project". Exhibit B, attached hereto, is a true copy of my personal handwritten calendar for February, 2003. Exhibit B shows continued entries for work on the invention as follows: (i) February 1, 2003 "Project", (ii) February 8, 2003 "Science Project", and (iii) February 15, 2003 "Finish Project". Exhibit C shows a copy of my family's credit card receipt (account number redacted) dated February 7, 2003 wherein the "Sunbeam" heating pad was purchased for my invention's model construction. Exhibit D shows a copy of my family's credit card receipt (account number redacted) dated February 19, 2003 for purchase of safety pins that were used in

model construction for securing the "Sunbeam" heating pad (i.e. the temperature source capable of supplying heat) in juxtaposition to the floor of the patient activated temperature controlled surface or of the animal bed. Further, Exhibit D shows the purchase of photographic film for use in taking photographs of the finished model of my invention. I submit that all of the above show evidence demonstrating a diligent reduction to practice following conception of the idea of my invention.

On February 28, 2003, Cary B. Cochenour and I filed Provisional Patent Application No. 60/450,859 for our invention and to which the above-captioned utility Application claims the benefit of priority thereto. This evidences diligent preparation and filing of the Application. The above-captioned utility patent Application (Serial No. 10/785,555) was filed by Cary B. Cochenour and me on February 24, 2004, and discloses and claims the invention disclosed and claimed in Provisional Patent Application No. 60/450,859. The model of the invention was displayed at the science fair held on the evening of February 28, 2003 at Scull Elementary School, Brush Hill Road, Irwin, PA 15642.

I declare that the foregoing is true and correct, that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the Application or any patent issuing thereon.

Date: April 26, 2005

  
Craig G. Cochenour



**EXHIBIT A**

2003 February

January 2003	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31							1 32/333 Chinese New Year Page of
February 2003 S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	2 33/332	3 34/331 3 M/C SUN PM WCC 2 <sup>nd</sup> Video	4 35/330 IP es Mal 12 <sup>00</sup> lost C/O	5 36/329 Anniversary of the Constitution (M) Dug. UAW 7 AM Family PM	6 37/328 Mrs. M. C. PM Tim J. 11:45 G. U. PM	7 38/327 9:30 PM 10 <sup>00</sup> Kears F. STANES	8 39/326 4th West Arrival Day 08 ML 350 Take Milwaukee 3rd Street at Baker Road
March 2003 S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	9 40/325 10 <sup>00</sup> HATRED	10 41/324 5:00 PM 2:00 PM 11:15	11 42/323 (Eid al Adha) 10 <sup>00</sup> C/O	12 43/322 Lincoln's Birthday (US) CAM SIR	13 44/321 CAM SIR	14 45/320 Valentine's Day (C. UK, US) FL CAM SIR	15 46/319 PROJECT FINISH BIG Saver
April 2003 S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30	16 47/318	17 48/317 Presidents' Day (US)	18 49/316 2 <sup>00</sup> SIR 1:00 9:30 PM	19 50/315	20 51/314 NOON Lunch Rakes Club C/O	21 52/313	22 53/312 Washington's Birthday (US)
May 2003 S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	23 54/311	24 55/310 Flag Day (M) 11:45 Kearns Wich	25 56/309	26 57/308 8:30 3:40 Full Class	27 58/307 Du. Ba-Meting 1:00	28 59/306 Science Fair @ Seull	29 60/305

EXHIBIT B



*Right there with you<sup>SM</sup>*

STORE # 6048

8775 NORWIN AVE

NORTH HUNTINGDON, PA 15642

(724) 863-9074

YOUR CASHIER TODAY IS BONNIE

ASSOC #06863

REG #005

DRAWER #1

TRANS #04180

TYPE #01

STORE #6048

NORMAL SALE

404662 CHIPS ANDY 2.50

540310 SUNBEAM HEAT PAD 23.99

TOTAL 26.49

CREDIT CARDS 16.48

\*\*\*\*\*  
\*\* THANK YOU FOR SHOPPING AT ECKERD \*\*  
\*\* 1-800-ECKERDS www.eckerd.com \*\*  
\*\*\*\*\*

I AGREE TO PAY THE ABOVE TOTAL  
AMOUNT ACCORDING TO THE CARD  
ISSUER AGREEMENT.

Customer Signature

February 07, 2003

08:06 PM

EXHIBIT C

# PICTURE PERFECT

GIANT EAGLE Store # 0010

Your Cashier Today was Mary R

	PHOTO FINISHING	AC	6.99	I
	PHOTO FINISHING	AC	8.99	I
	PHOTO FINISHING	AC	8.99	T
	GE 35MM FILM	AC	4.77	T
SC	GE 35MM FIL (1.59)		3.18	-T
	GE 35MM FILM	AC	4.77	T
SC	GE 35MM FIL (1.59)		3.18	-T
	GE 35MM FILM	AC	4.77	T
SC	GE 35MM FIL (1.59)		3.18	-T
	SAFETY PINS		1.89	T
SC	PHOTO FINISHING		1.00	
SC	PHOTO FINISHING		1.00	
SC	PHOTO FINISHING		1.00	
***	SUBTOTAL		28.63	
	TAX		1.72	
***	BALANCE		30.35	

\*\*\*\*\*  
VISA 30.35

\*\*\*\*\*

VISA	30.35
CHANGE	0.00
TOTAL NUMBER OF ITEMS SOLD = 7	

\*\*\*\*YOUR GIANT EAGLE SAVINGS TODAY\*\*\*\*  
CARD & STR CPNS \$ 12.54  
TOTAL SAVINGS (30 pct.) \$ 12.54  
\*\*\*\*\*  
2/19/03 03:29pm 10 90 43 908

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CARD # 40163013311

EXHIBIT D



Make every day taste better.